

BOARD OF APPEALS CASE NO. 4917

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BEFORE THE

APPLICANT: William M. Wagner, Jr.  
Auto Collision Clinic, Inc.

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ZONING HEARING EXAMINER

REQUEST: Variance to allow an existing  
addition within the required rear yard  
setback in the B3 District;  
120 Connolly Road, Fallston

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: April 21 and 28, 1999

HEARING DATE: June 21, 1999

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Record: April 23 and 30, 1999

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, William M. Wagner, Jr., appeared before the Hearing Examiner requesting a variance to Section 267-39(B), Table XII, of the Harford County Code, to allow an existing addition within the required 40 foot rear yard setback in a B3 District.

The subject parcel is located at 120 Connolly Road in the Third Election District. The parcel is identified as Parcel No. 385, in Grid 2-D, on Tax Map 55. The parcel contains 1 acre, m/l and is zoned B3. The parcel is owned by Audrey Wagner.

Mr. William Wagner appeared and testified that the subject property is improved by an auto body shop with dimensions of 60 feet by 100 feet. The witness said in 1996 he built an addition with dimensions of 20 feet by 25 feet on the rear of the existing building. The witness said that the addition is 21 feet from the rear property line.

Mr. Wagner said that denial of the variance would cause practical difficulty because he would be required to remove the addition. The Applicant said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors have appeared and testified against the requested variance.

The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

"The existing addition does not impact the adjacent properties and/or the intent of the Code. However, a buffer is needed."

**Case No. 4917 - William M. Wagner, Jr./Auto Collision Clinic, Inc.**

**CONCLUSION:**


The Applicant is requesting a variance to Section 267-39(B), Table XII, of the Harford County Code, which requires a 40 foot rear yard setback.

The Applicant testified he built the addition in 1996 and that the addition is 21 feet from the rear property line. The witness indicated that the addition has been on the property for approximately 3 years and that denial of the variance would cause practical difficulty because he would be required to remove the building. The witness also testified he did not feel the variance would be detrimental to adjacent properties because none of the adjacent properties owners appeared and testified in opposition to the request.

It is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the addition.
2. The Applicant provide a solid fence along the boundary of the residential property to serve as the bufferyard.
3. The Applicant remove all the debris from the buffer area to the rear and shall not use this area for storage of materials in the future.

Date JULY 8, 1999

  
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L. A. Hinderhofer  
Zoning Hearing Examiner